



City of Carmel

MINUTES

Carmel Board of Zoning Appeals

Regular Meeting

Monday, September 27, 2010

6:00 pm

Council Chambers

Present: James Hawkins
Leo Dierckman
Earlene Plavchak
Ephraim Wilfong
Kent Broach (absent)
Connie Tingley, Recording Secretary

Staff members in attendance: Angie Conn, Planning Administrator
Mike Hollibaugh, Director, Department of Community Services

Legal Counsel: John Molitor

Previous Minutes:

On a motion made by Leo Dierckman and seconded by Earlene Plavchak:

The Minutes for the meeting dated August 23, 2010 were approved as circulated.

MOTION CARRIED UNANIMOUSLY

Department Report: Angie Conn

- Nothing to report

Legal Report: John Molitor

- Nothing to report on pending litigation involving proposed cell tower on Towne Road
- No items on next month's regular agenda; recommend Executive Session in regular meeting time slot to discussion litigation
- Item 1i, 646 Johnson Drive Appeal moving forward
 - Plan Commission and neighbors have filed motion for Summary Judgment which is pending before the Court
 - Expect to have something additional to report by next month
 - Should remain Tabled indefinitely

Public Hearing:

1h. Lathrop Garage

The applicant seeks the following development standards variance approval:

Docket No. 10080005 V

Section 7.04.03.A

Encroachment into front yard setback

The site is located at 11399 Central Drive East on 0.42 acre and is zoned R1/Single-family residential.

Filed by Anthony Lathrop, owner

Present for Petitioner:

Anthony Lathrop, owner

- Very small two-car garage; pictures shown
- Need larger space to ease access for in and out of vehicles
- Provide space for children to play and sewing area
- New garage in front of and wider than existing garage
- Rendering shown
- Strange shaped corner lot
- Setback line does not follow contour of road; straight line across property
- Need to build in front of setback line
- Currently long driveway with house set back from road further than neighbors' homes

Public Hearing closed

Department Report:

Angie Conn

- Many valid points
- Lot is unique shape
- Platted setback line does not follow curve of street

Department recommended positive consideration

Clarification:

- "After all concerns have been addressed" noted in Department Report's recommendation is standard text to address any questions from the public.

Motion: On a motion made by Leo Dierckman and seconded by James Hawkins

Docket No. 10080005 V, Lathrop Garage, for encroachment into front yard setback, be approved.

MOTION CARRIED UNANIMOUSLY

2-3h. 106th St Insurance Office

The applicant seeks the following development standards variance and use variance approvals:

Docket No. 10080007 UV Appendix A: Use Table Office use in R1/Residential District

Docket No. 10080008 V Section 27.03.01 Gravel parking lot

The site is located at 601 E 106th St on .28 acre and is zoned R1/Single-family residential within the Homeplace Business District.

Filed by Gordon Smith

Present for Petitioner:

Gordon Smith, owner, current office at 10411 N. College

- Convert HUD repo house into office space for insurance agency
- Mr. Smith and his son are the employees; maybe add one or two agents
- Former residential rental property
- Before and after photos shown
- Updated property: new gutters, downspouts, exterior paint, windows, roof, removed overhanging trees

- No remonstrance; neighbors in favor
- Located in Homeplace Business District
- Light business: 8:00 am to 5:00 pm, no night time activity or lights
- Variance to add 4 parking spaces with asphalt rather than gravel; no curb
- Will need to provide bike racks
- Agreement with Urban Forestry to add trees

Public: Favorable

Michael Alexander Powell, 670 Arthur Drive

- Located around corner
- Bought his property at sheriff's sale in 2004
- In favor of Mr. Smith cleaning up home

Public Hearing closed

Department Report:

Angie Conn

- Use Variance will keep property zoned residential
- Outstanding issue: installing sidewalk along Barmore Avenue or contributing money to City Sidewalk Fund

Department recommended positive consideration

Discussion:

- Sidewalk exists along 106th St; controlled by County at this time
- Not aware of future County plans
- Need to install 5-foot sidewalk along Barmore or contribute to non-reverting thoroughfare fund
- Could approve with condition to coordinate with David Littlejohn, Alternative Transportation
- Mr. Smith aware deed restriction dating back to 1950's
 - Likely no longer enforced
 - Aware that Neighborhood Association could try to enforce deed restriction
- Landscaping design covered in petition

Motion: On a motion made by Leo Dierckman and seconded by Ephraim Wilfong:

Docket Nos. 1008007 UV and 10080008 V be approved for office use in R1/Residential District and for a curbless parking lot with the Condition of working with Staff on sidewalk requirement along Barmore Avenue.

MOTION CARRIED UNANIMOUSLY

Old Business

1i. 646 Johnson Drive Appeal TABLED INDEFINITELY

The applicant seeks the following permit issuance appeal:

Docket No. 09020014 Appeal Appeal of Permit No. 09010003 Accessory Structure Size

The site is located at 646 Johnson Drive and is zoned R1/Single-family residential

Filed by: Howard & Holly Green; John & Beryl Colosimo; James & Laura Dunn; Judy Wagner; and Michael & Susan Shaw, neighbors.

Adjournment


Motion: On a motion made by Leo Dierckman and seconded by James Hawkins:

The Meeting be adjourned.

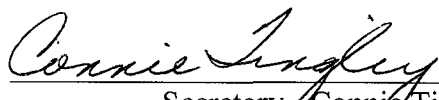
MOTION CARRIED UNANIMOUSLY

The meeting adjourned at 6:20 PM.

Approved this 25th day of January 2011.



President - James R. Hawkins



Secretary - Connie Tingley